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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,071	11/19/2003	Reza Shahidi	4740-250	7244

24112 7590 08/15/2007
COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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08/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/717,071

Applicant(s)

SHAHIDI ET AL.

Examiner

Tilahun B. Gesesse

Art Unit

2618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-45.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


TILAHUN GESESSE
PRIMARY EXAMINER

Tilahun B Gesesse
Primary Examiner
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Applicant's arguments filed 7/23/07 have been fully considered but they are not persuasive.

On page 3 , first paragraph of response to after final , applicant argued that Dillon does not teach "monitoring a combined usage by voice and data users"

The examiner disagrees. Dillon teaches monitoring a combined usage of voice and data users (see page 3, paragraph 0025 and paragraph 0029-0030 and paragraph 0031 and paragraph 0034 and figures 3-4) in which voice user and data users monitored by the CDMA network.

On page 5, first paragraph of response to after final , applicant argued that claims 2,7-13,15, 18,21-24, 26,28-30,32,36,39-41,43,44 , are patentable because distinct limitations, to the independent claims. The examiner disagrees. Claim 2,7-13,15, 18,21-24, 26,28-30,32,36,39-41,43,44, Dillon silent a shared network resource. However, Lewis teaches monitoring a combined usage of a shared network resource by current voice and data users (see abstract). Dillon and Lewis teaches monitoring traffic and managing the service, then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to shared network resources in Dillon system, as evidenced by Lewis, in order to allow voice and non-voice data transmit in a single channel, thus freeing other channels for other tasks freeing resource capacity for the system (see col. 1, lines 65-col2, line 2). Besides to the teaching of Lewis , Dillon teaches a code division Multiple access or CDMA2000 (see page 2 paragraph 0019). Claims 7, Lewis teaches reducing a transmit power allocation for one of the current data users comprises changing a radio service

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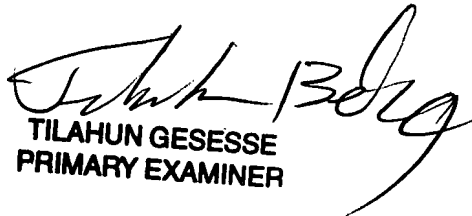
configuration of each of the one current data users (see page 3, paragraph 0025-0030 and figure 3).

Dillon teaches priority of voice over data (such as internet or FTP) by reducing the gain of the non-priority communication see page 3, paragraph 0025, paragraph 0029-0031).

To sum up, applicant argument in view of the teaching of the prior art , applicant argument has been considered but not persuasive , the final office action is proper and maintained.

Tilahun Gesesse

August 12, 2007


TILAHUN GESESSE
PRIMARY EXAMINER